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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,929	10/22/2003	Scott Campbell	PA2587US	1610

			EXAMINER
22830	7590	08/09/2006	KARKHANIS, AASHISH

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ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/691,929	CAMPBELL, SCOTT
	Examiner	Art Unit	
	Aashish Karkhanis	3714	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 October 2003</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/25/05, 1/13/06</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1 – 30 are rejected under 35 U.S.C. 102(b) as being anticipated by

Bizarre Creations (Project Gotham Racing Manual,

http://www.gamemanuals.net/download/2d54fbeb2d3e8ca2224ebad31c1b257f/Project_

Gotham_Racing_%28EN%29.pdf, and Project Gotham Avault Screenshot,

http://www.avault.com/consoles/reviews/xbox/avscreenshot.asp?pic=pgr&num=5,

Game release on 14 November 2001).

Regarding Claims 1, 17 – 19, 24 and 27, Bizarre discloses an electronic-readable

medium having embodied thereon a program, the program being executable by a

machine to perform a method for displaying a graphical path in a video game including

a processor configured to retrieve graphical path data associated with previous run from

a data cache or a memory card (p. 12, Time Attack Mode; where a Ghost car is a

recording of graphical path data from a previous run), displaying the graphical path data

as a string of path markers, and determining a color for a path marker of the string of

path markers based upon an elapsed time of a current video game session and an

elapsed time associated with the path marker (p. 12, Time Attack Mode; where a Ghost

car follows a graphical path set by a previous run).

Regarding Claims 2 – 3, 7, 20 – 21, 25 – 26 and 30, Bizarre discloses a method including selecting a first color for the path marker if the elapsed time associated with the path marker is greater than the elapsed time of the current video game session, selecting a color for the path marker based upon a character state associated with the path marker if the elapsed time associated with the path marker is less than or equal to the elapsed time of the current video game session (Avault Screenshot; where game path data in the form of a time-to-lead car is shown as red when a player is behind a lead car and blue when a player is a lead car).

Regarding Claims 4 – 6, Bizarre discloses a method, wherein the character state associated with the path marker is an "on the ground" state, an "airborne" state, or a "crashed" state (p. 11, Big Air; where a car may inherently be in an "on the ground" state or a "crashed" state as is well known and established in the art of racing games, and may also be in an "airborne" state as disclosed by Bizarre in order to score points in a race).

Regarding Claims 8 – 11, Bizarre discloses a method wherein the previous rum is a "best time" run, a "worst time" run, or an "average time" run (p. 12, Time Attack Mode; p. 15, Average Speed; where a Time Attack provides a player's best speed as a speed to beat, and Average Speed records all previous runs in a particular race, including best, average, and worst and calculates a running average speed), wherein the previous run is a run selected from one or more previous runs (p. 15, Average Speed; where Average Speed records all previous runs in a particular race, including best, average, and worst and calculates a running average speed).

Regarding Claims 12 – 16, 22 – 23 and 28 – 29, Bizarre discloses a method

including generating current graphical path data associated with the current video

game session (p. 6, Game Screen; where a player controls a player car in a race),

storing the current graphical path data as "best time" run graphical path data if a total

elapsed time of the current video game session is less than a total elapsed time

associated with a previous "best time" run (p. 12, Time Attack Mode; p. 15, Average

Speed; where a Time Attack provides a player's best speed as a speed to beat; and

updates a best time as a player achieves a faster time than the current best time),

storing the current graphical path data as "worst time" run graphical path data if a total

elapsed time of the current video game session is greater than a total elapsed time

associated with the previous run, utilizing the current graphical path data in

determining an "average time" run graphical path data (p. 15, Average Speed; where

Average Speed records all previous runs in a particular race, including best, average,

and worst and calculates a running average speed), wherein the string of path markers

are generated at equal-distance from each other (p. 12, Time Attack Mode; where a

Ghost car is a continuous recording of unbroken equidistant graphical path data from a

previous run).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent 6,220,962 B1: Game directional Mapping.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

JOHN M. HOTALING, II
PRIMARY EXAMINER